

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of October 11, 2006. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-11 and 24-46 were pending in the present application prior to the above amendment. Claims 47-48 are added. Claims 1, 9-10, 26, 29, and 35 are canceled, and claims 2-8, 11, 24-25, 27-28, 30-34, and 36-46 are amended to better claim the invention. Therefore, claims 2-8, 11, 24-25, 27-28, 30-34, and 36-48 are pending in the present application and are believed to be in proper condition for allowance.

Rejection under 103 over Kennedy

Referring now to the Office Action, claims 1, 2, 4, 6-11, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (U.S. Patent 5,579,376, cited by Applicant). Applicant respectfully traverses this rejection.

The Examiner states that "Applicant ... has already stated that Kennedy teaches all but the 'static mobile unit identifier' and the associated '[random identification number]'". Applicant respectfully disagrees with the Examiner's statement. Applicant has previously mentioned the "static mobile unit identifier" and the "[random identification number]" with respect to claim amendments made to overcome a 102 rejection in the Office Action of September 30, 2004, but has not stated that Kennedy teaches all of Applicant's claimed invention but those two terms.

Kennedy is generally directed to a system of preventing roamer fraud by assigning roaming cell phones a phantom MIN (mobile identification number) (see, e.g., col. 3, lns. 1-14). When a roaming cell phone enters a new area, the cell phone changes its MIN to a local MIN and alerts the central computer of the local cellular network (see, e.g., col. 3, lns. 65-67 and col. 4, lns. 1-10). The cell phone may make outgoing local and 1-800 calls, but may not make regular 1+ long distance calls (see, e.g., col. 4, lns. 26-39). For another caller to call the phantom MIN, the other caller must dial the central computer and then enter a code for the particular cell phone (see, e.g., col. 4, lns. 59-67 and col. 5, lns. 1-8).

In contrast, the present invention of new independent claim 47 is directed to a system of encryption of a cellular communication. Independent claim 47 recites (emphasis added):

A system for preventing unauthorized communications, the system comprising:

a mobile unit having a static mobile unit identifier that uniquely identifies the mobile unit, the mobile unit storing a random identification number;

a base station in communication with the mobile unit; and

a central control in communication with the base station, the central control generating a random identification number table associated with the static mobile unit identification number and communicating a generated random identification number to the base station,

wherein the base station receives the random identification number from the mobile unit and compares the random identification number to the generated random identification number, thereby providing security, and

wherein the random identification number is updateable, and is updated with each call based on the static mobile unit identifier, at a periodic time interval, and/or upon an occurrence of a triggering event.

Corresponding new independent claim 48 recites (emphasis added):

A method of preventing unauthorized communications, the method comprising:

communicating, from a mobile unit to a base station, **a static mobile unit identifier that uniquely identifies the mobile unit and a random identification number;**

comparing, at the base station, the random identification number and a stored random identification number, whereby the authorization of the mobile unit is determined by the base station; and

completing a call to or from the mobile unit upon authorization,

wherein the random identification number is updateable, and is updated with each call based on the static mobile unit identifier, at a periodic time interval, and/or upon an occurrence of a triggering event.

In the system of Kennedy, a cell phone uses a phantom MIN when the cell phone roams into another cellular network. Then, when the cell phone returns to its home network, it uses its own MIN again. In contrast, the present invention of claim 47 recites a system using a static mobile unit identifier that uniquely identifies a mobile unit and a random identification number associated with the static mobile unit identifier, where the random identification number and the static mobile unit identifier are used in communications with the mobile unit, and the random identification number are updated

with each call based on the static mobile unit identifier, at a periodic time interval, and/or upon an occurrence of a triggering event, in order to prevent unauthorized communications with the communications device.

In the present invention of claims 47 and 48, both the static mobile unit identifier, which never changes, and a random identification number, which is changed according to a selected schedule (updated with each call, at a periodic time interval, and/or upon an occurrence of a triggering event), are used in the communications system. In the system of Kennedy, the mobile unit number is changed so that the phone has a “new” phone number, requiring others to call a different number to reach the mobile phone user when the user is roaming. Only one mobile identifier is used, and it is changed when a mobile unit roams into another geographic area, rather than upon a schedule, as is recited in claims 1 and 29.

For the same reasons set forth above in relation to the 35 U.S.C. § 103(a) rejection of independent claim 1, Applicant respectfully submits that dependent claims 2, 4, 6-11, and 24-28 are also patentable over Kennedy. Consequently, Appellant respectfully requests that the Examiner’s rejection of claims 2, 4, 6, and 11 under 35 U.S.C. § 103(a) be withdrawn.

Rejection under 103 over Kennedy and Cloning

Claims 3, 5, and 29-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (U.S. Patent 5,579,376, cited by Applicant) and “Cloning”, (www.isaacc.cs.berkeley.edu/isaac/gsm-faq.html, a reprint of a 1998 article cited by Applicant). Applicant respectfully traverses this rejection.

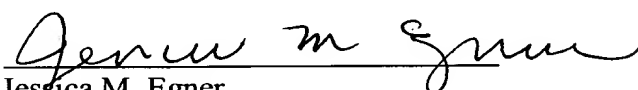
For the same reasons set forth above in relation to the 35 U.S.C. § 103(a) rejection of independent claims 1 and 29, Applicant respectfully submits that dependent claims 3, 5, and 29-44 are also patentable over Kennedy and Cloning.

Consequently, Appellant respectfully requests that the Examiner’s rejection of claims 3, 5, and 29-44 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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